

**In the Drawings:**

The attached sheets of drawings include changes to Figs. 1 and 2. These sheet replace the original sheets containing Figs. 1 and 2. In both Figures, previously omitted descriptive labels have been added.

## REMARKS

Favorable consideration of this application is respectfully requested.

Claims 1-22 are currently active in this case. Claims 1, 12, and 21 have been amended by way of the present amendment. The amended claim is supported by the specification and claims as originally submitted and no new matter has been added.

In the outstanding Official Action the drawings were objected to; Claims 1-8 and 22 were rejected under 35 U.S.C. §103(a) over *Byers et al.* (U.S. Patent No. 6,650,451, hereinafter *Byers*) in view of Data-Over-Cable Service Interfaces Specification (hereinafter *DOCSIS*); Claims 9-14, 18 and 19 were rejected under 35 U.S.C. §103(a) over *Byers* and *DOCSIS RF105* and further in view of *Quigley et al.* (U.S. Patent Publication No. 2001/0055319, hereinafter *Quigley*); Claim 20 was rejected under 35 U.S.C. §103(a) over *Byers*, *DOCSIS RF105*, *Quigley*, and further in view of *Humphrey et al.* (U.S. Patent No. 6,611,868, hereinafter *Humphrey*); Claims 15 and 16 were rejected under 35 U.S.C. §103(a) over *Byers*, *DOCSIS RF105*, and *Quigley*, and further in view of *DOCSIS RF103 et al.*; and Claim 17 was rejected under 35 U.S.C. §103(a) over *Byers*, *DOCSIS RF105*, *Quigley*, and *DOCSIS RF103* and further in view of *Arutyunov* (U.S. Patent No. 4,933,846).

Applicants appreciatively acknowledge the Examiner's identification of allowable subject matter in Claim 21.

Applicants respectfully traverse each of the rejections of the claims in the outstanding Office Action.

Applicants respectfully traverse any rejection of amended Claim 1 under 35 USC 103(a) as being unpatentable over *Byers* in view of the Data-Over-Cable Service Interface Specifications. As amended, Claim 1 recites:

***A method for scheduling upstream channel transmission by a wireless modem of a plurality of wireless modems in communication with a wireless hub in a broadband wireless access system, comprising:***

***synchronizing the wireless modem with a wireless hub on a downstream channel by synchronizing the symbol timing, forward error correction framing, and recognition of a synchronization message at the wireless modem;***

***receiving at the wireless modem on the downstream channel at least one message comprising information regarding parameters for communicating over each of a plurality of upstream channels;***

***utilizing one upstream channel of the plurality of upstream channels to communicate from the wireless modem to the wireless hub for one burst;***

***transmitting from the wireless hub to the wireless modem on the downstream channel at least one message regarding a change to some of the parameters for communicating over at least some of the plurality of upstream channels;***

***utilizing another upstream channel of the plurality of upstream channels for another burst to communicate from the wireless modem to the wireless hub based upon the change to some of the parameters for communicating over each of the plurality of upstream channels,***

***allocating each of said plurality of upstream channels to different of said plurality of wireless modems for communication bursts on a predetermined schedule; and***

***calibrating parameters of each of the plurality of upstream channels for each of the modems using the communication bursts between each respective modem and the wireless hub,***

***wherein said step of allocating comprises the step of sending a special message to communicate with a modem and cause a communication burst if the modem is not communicating with said hub at a rate sufficient to meet the minimum allocation rate assigned to the modem.***

However, the combined references fail to teach or suggest similar subject matter.

In particular, Applicants respectfully note that the step of allocating comprises "... *sending a special message to communicate with a modem and cause a communication burst if the modem is not communicating with said hub at a rate sufficient to meet the minimum allocation rate assigned to the modem.*" However, the combined references fail to teach or suggest the same. Accordingly, Applicants respectfully submit that amended Claim 1 is patentable.

Applicants respectfully traverse any rejection of amended Claim 12 under 35 USC 103(a) as being unpatentable over *Byers* in view of the *DOCSIS RF105* and/or *Quigley*. As amended, Claim 12 recites:

***A method of calibrating a modem in a communication system, comprising the steps of:***

*measuring parameters of messages received by a hub  
communicating with said modem;  
sending a correction message from the hub to the modem; and  
changing the parameters at the modem;  
said step of sending comprises the step of sending a special  
message to communicate with a modem and cause a communication  
burst if the modem is not communicating with said hub at a rate  
sufficient to meet the minimum allocation rate assigned to the  
modem.*

However, the combined references fail to teach or suggest similar subject matter.

In particular, Applicants respectfully note that the step of sending comprises "... *sending a special message to communicate with a modem and cause a communication burst if the modem is not communicating with said hub at a rate sufficient to meet the minimum allocation rate assigned to the modem.*" However, the combined references fail to teach or suggest the same. Accordingly, Applicants respectfully submit that amended Claim 12 is patentable.

Applicants have amended Claim 21 to be in independent form including all the limitations of its base and intervening claims. Accordingly, based on the Examiner's identification of allowable subject matter in Claim 21, Applicants respectfully submit that Claim 21 is patentable.

Based on the patentability of the independent claims, Applicants further respectfully submit that dependent claims 2-11, 13-20, and 22 are also patentable.

Consequently, no further issues are believed to be outstanding, and it is respectfully submitted that this case is in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,

Reed Smith LLP

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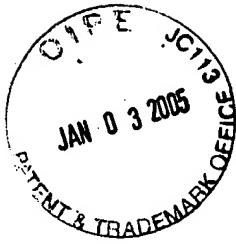
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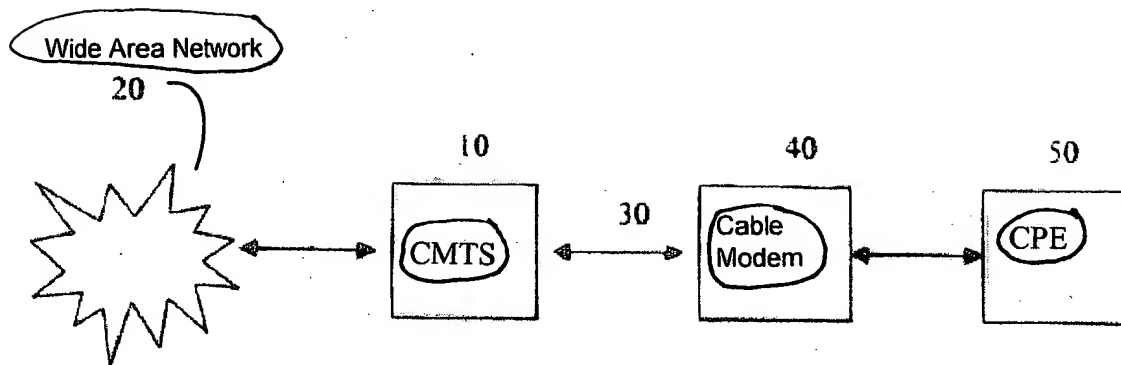
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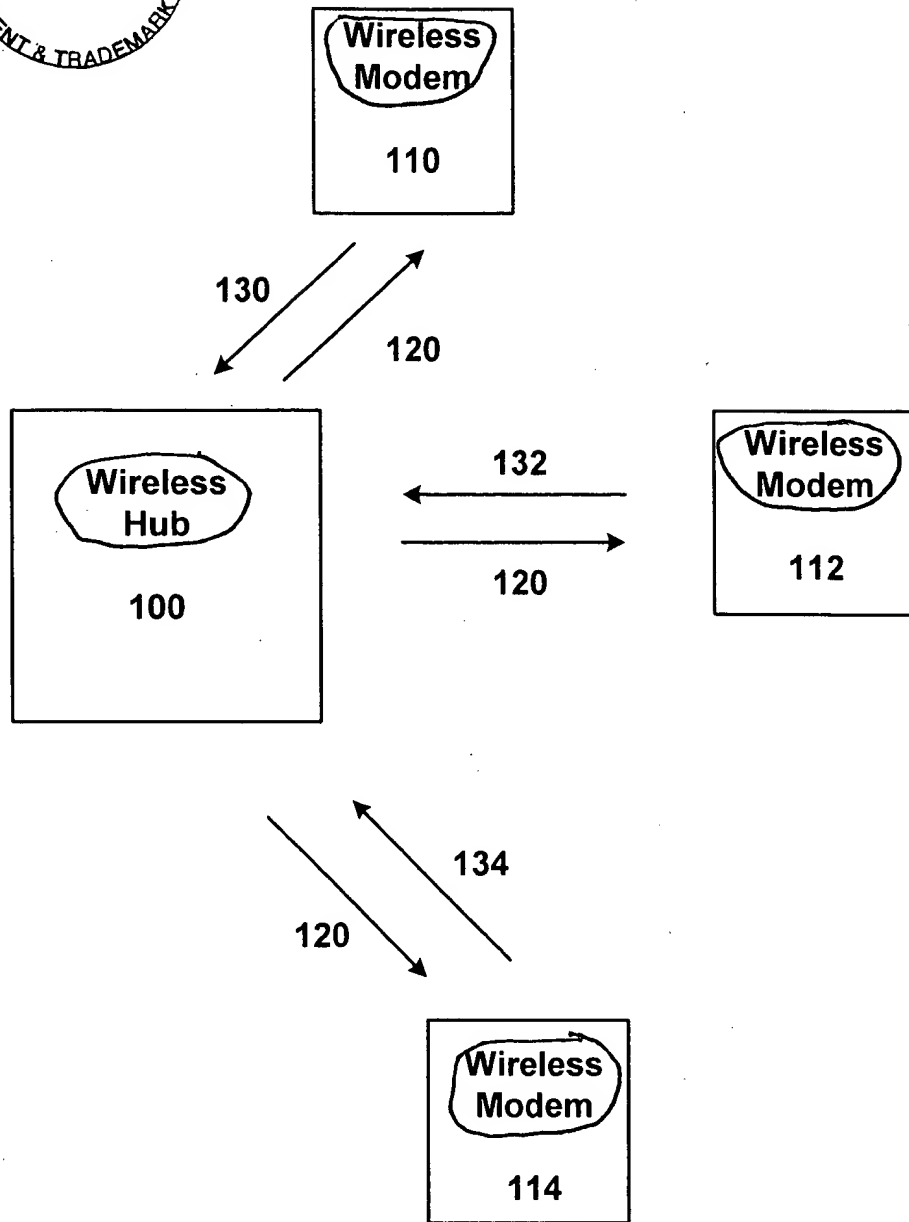
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ANNOTATED MARKED-UP DRAWINGS

**Fig 1:**





**FIG. 2**